

[CLICK HERE FOR BOARD LETTER](#)

[CLICK HERE FOR REPORTS](#)

February 8, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**CHILD DEATH REVIEW TEAM ACCESS TO PUBLIC SCHOOL
STUDENT RECORDS
REQUEST FOR BOARD SUPPORT FOR STATE AND FEDERAL
URGENCY LEGISLATION**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Request that the Chief Administration Officer instruct County Counsel to:
 - a. Draft urgency legislation to strengthen the legislative authority for Child Death Review Teams, including Child and Adolescent Suicide Review, to have access to public school student records, and to allow school personnel to share information with these Teams.
 - b. Work with our county legislative representatives in Washington D.C. in an effort to amend Federal Law, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; 34 CFR Part 99), to permit the sharing of student school records in a multi-disciplinary team setting.
 - c. Work with ICAN's Child Death Review Team around issues involving child fatality review and the need for this legislation.
2. Instruct ICAN and County Counsel to submit a report on the status of this legislation within 120 days.

JUSTIFICATION OF RECOMMENDED ACTIONS

The ICAN Child Death Review Team has been in existence since 1978 and has consistently and successfully focused on the analysis, review, follow up, accountability and prevention of child death in Los Angeles County. Maintaining the value and integrity of the Child Death Review Team's efforts requires full participation of all human service agencies, including the school districts.

School information is especially pertinent to the process of Child Death Review (CDR), and particularly to Child and Adolescent Suicide Review (CASR), as the school's records provide important contextual information about the child. In addition, both CDR Teams and CASR Teams concern themselves with the aftermath of child death as it affects family members, friends and others who have been involved with the child, including school personnel. Important supportive work takes place when school personnel are able to fully participate in the Team process.

Both the CDR Team and CASR Team have authorization for representatives of local agencies that are involved with child abuse or neglect to exchange information in accordance with Penal Code Section 11166.7. This code section allows for the sharing of confidential information within a multi-agency team setting by child welfare, health, mental health and law enforcement agencies. However, in that law, schools are not specifically identified as possible multi-agency team members. Additionally, Education Code Section 49076 does not specify that CDR Teams may have access to school records nor that schools that participate may share information without parental consent. Recently, some school districts have declined to allow their personnel to fully participate with these Teams or to share confidential student information and have requested that ICAN pursue more permissive legislation.

Further barriers to school participation have been created by Federal Law: the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; 34 CFR Part 99). While FERPA intends to protect the privacy of student education records, it fails to specify that student records may be shared in a multi-disciplinary team setting. Urgency legislation is needed to amend this legislation, as well as to allow for full participation of schools on both the CDR Team and CASR Team.

On November 22, 2004, the ICAN Policy Committee approved the following recommendation:

The Los Angeles County Office of Education (LACOE) should partner with the Los Angeles County Inter-Agency Council on Child Abuse and Neglect

The Honorable Board of Supervisors
February 8, 2005
Page 3

(ICAN) to introduce state and federal urgency legislation to strengthen the legislative authority for Child Death Review Teams, including Child and

Adolescent Suicide Review; to have access to public school student records; and to allow school personnel to share information with these Teams without parental consent.

It is believed that the current barriers to effective school participation for the review and prevention of child fatalities can be resolved through the legislative amendments suggested above.

Respectfully submitted,

Deanne Tilton Durfee, Executive Director
Inter-Agency Council on Child Abuse and Neglect (ICAN)

c: Sheriff Leroy D. Baca, ICAN Chairperson
Darline Robles, Superintendent, Los Angeles County Office of Education
CAO
Executive Officer
County Counsel
ICAN Policy Committee

INTER-AGENCY COUNCIL ON CHILD ABUSE AND NEGLECT

County of Los Angeles



COUNCIL MEMBERS

LEROY D. BACA, Chairperson
Sheriff, Los Angeles Sheriff's Department

YOLIE FLORES AGUILAR
Executive Director, Children's Planning Council

WALTER ALLEN III
Director, California Dept. of the Youth Authority

CYNTHIA BANKS
Chief Deputy, Community and Senior Services

DENNIS BOYLE
Director, California Department of Social Services

WILLIAM J. BRATTON
Chief, Los Angeles Police Department

SAL CASTRO
Appointee, Board of Supervisors

JOHN A. CLARKE
Executive Officer/Clerk
Superior Court

STEVE COOLEY
District Attorney

ROCKARD J. DELGADILLO
L.A. City Attorney

MARGARET DONNELLAN TODD
County Librarian, Public Library

RAY FORTNER
County Counsel

R. MICHAEL FREEMAN
Fire Chief, Forester and Fire Warden

THOMAS L. GARTHWAITE, M.D.
Director, Health Services

RUSS GUINEY
Interim Director, Parks and Recreation

NANCY HAYES, LCSW
UCLA Medical Center

ANTHONY HERNANDEZ
Director, Department of Coroner

PAUL HIGA
Acting Chief Probation Officer

DAVE HING
Chief, Arcadia Police Department
President, Police Chiefs Association

CARLOS JACKSON
Executive Director, Community
Development Commission

DAVID E. JANSSEN
Chief Administrative Officer

MICHAEL P. JUDGE
Public Defender

DAVE LAMBERTSON
Director, Internal Services

BILL LOCKYER
California Attorney General

MICHAEL NASH
Presiding Judge, Juvenile Court

FRANCE NGUYEN
Performing Artist

IVORY ROBERTS
Regional Administrator, Department of Corrections

DARLINE P. ROBLES, PH.D.
Superintendent, Office of Education

ROY ROMER
Superintendent, L. A. Unified School District

DR. ALVIN S. RUDISILL
Educator/Clergyman

MAXINE RUSSELL
Appointee, Board of Supervisors

DAVID SANDERS, PH.D.
Director, Children and Family Services

L. SATHYAVAGISWARAN, M.D.
Chief Medical Examiner-Coroner

MARVIN SOUTHARD
Director, Mental Health

STEWART STECKEL
Appointee, Board of Supervisors

DEBRA W. YANG
U. S. Attorney

BRYCE YOKOMIZO
Director, Public Social Services

4024 N. DURFEE AVENUE
EL MONTE, CALIFORNIA 91732
(626) 455-4585 • Fax (626) 444-4851

DEANNE TILTON, Executive Director
EDIE SHULMAN, Assistant Director

July 13, 2005

TO: Supervisor Gloria Molina, Chairperson
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Deanne Tilton, Executive Director
Inter-Agency Council on Child Abuse and Neglect (ICAN)

Deanne Tilton

CHILD DEATH REVIEW TEAM ACCESS TO PUBLIC SCHOOL STUDENT RECORDS REQUEST FOR BOARD SUPPORT FOR STATE AND FEDERAL URGENCY LEGISLATION

On February 8, 2005, your Board requested that the Chief Administrative Officer, in conjunction with County Counsel draft urgency legislation to strengthen the legislative authority for Child Death Review Teams, including Child and Adolescent Suicide Review, to have access to public school student records, and to allow school personnel to share information with these Teams. Your Board also requested that ICAN and County Counsel report back to the Board on the status of this legislation.

ICAN and County Counsel are pleased to provide you with this summary report.

After review of the relevant code sections, County Counsel proposed language to amend Section 11174.32 of the Penal Code pertaining to the establishment of interagency Child Death Review Teams to specifically include educational agencies. In addition, County Counsel proposed language to amend Section 49076 of the Education Code pertaining to access to school records to include any county interagency Child Death Review Team. Also included in County Counsel's draft was language to



request Congress to amend the Family Educational Rights and Privacy Act (FERPA) to permit the sharing of educational information within a multiagency setting.

After review of the draft legislation, discussions with lawmakers in Sacramento and ongoing discussions with County Counsel, it was determined that changes in California law would be premature until FERPA is amended to permit the sharing of educational records. Accordingly, the County instead is seeking a Joint Resolution from the California State Senate and Assembly. The Resolution would call upon the Congress and the President to amend FERPA to permit schools to share relevant student records with county Child Death Review Teams. Assembly Joint Resolution (AJR) 22, authored by Assembly Member Karen Bass, was therefore submitted for approval (please see attached copy of AJR 22).

As of the writing of this update, AJR 22 passed the Assembly Education Committee and the Assembly floor on consent. AJR 22 is scheduled to be heard by the Senate Judiciary Committee in August. If AJR 22 passes the Committee, it will be sent to the Senate Floor for adoption. No opposition has been presented thus far.

Our next efforts will be to focus on engaging federal level support to encourage Congress and the President to act upon the recommendations of this joint resolution. ICAN has been in contact with Senator Diane Feinstein's office and they have agreed to further explore the issue in an effort to engender needed federal level support. Board support in these efforts will be greatly appreciated.

Thank you for your efforts to strengthen the legislative authority for Child Death Review Teams to have access to public school student records. Access to these records will do much to help maintain the value and integrity of the Child Death Review Teams' efforts both to ensure accountability and to prevent future tragic deaths of children.

Attachment

- c: Sheriff Leroy D. Baca, ICAN Chairperson
Darline Robles, Superintendent, Los Angeles County Office of Education
CAO
County Counsel
ICAN Policy Committee
ICAN Child Death Review Team
Child and Adolescent Suicide Review Team

Assembly Joint Resolution

No. 22

Introduced by Assembly Member Bass

April 18, 2005

Assembly Joint Resolution No. 22—Relative to school records.

LEGISLATIVE COUNSEL'S DIGEST

AJR 22, as introduced, Bass. School records.

This measure would memorialize the Congress and the President to enact an exception to the federal Family Educational Rights and Privacy Act to allow schools to share relevant pupil records with interagency child death teams.

Fiscal committee: no.

1 WHEREAS, Existing law authorizes each county to establish
2 an interagency child death team to assist local agencies in
3 identifying and reviewing suspicious child deaths. Those teams
4 coordinate and integrate state and local efforts to address fatal
5 child abuse or neglect and create a body of information to help
6 prevent child deaths; and

7 WHEREAS, Interagency child death teams have been used
8 successfully to ensure that incidents of child abuse or neglect are
9 recognized and that other siblings and nonoffending family
10 members receive appropriate services in incidents in which a
11 child has expired; and

12 WHEREAS, Child death teams may include forensic
13 pathologists, pediatricians with expertise in child abuse, coroners
14 and medical examiners, prosecutors, members of law
15 enforcement, child protective services staff, representatives of

1 local agencies involved with child abuse or neglect reporting, and
2 county health departments; and

3 WHEREAS, Members of child death teams may share
4 relevant, confidential information within the multiagency setting;
5 and

6 WHEREAS, Educational agencies, which could provide
7 valuable school record information to child death teams, are not
8 authorized to share such information with child death teams; and

9 WHEREAS, The federal Family Educational Rights and
10 Privacy Act (FERPA) does not provide an exception allowing
11 schools to share relevant pupil records with child death teams
12 and a violation of FERPA could result in the loss of federal
13 funding; now, therefore, be it

14 *Resolved by the Assembly and the Senate of the State of*
15 *California, jointly,* That the Legislature urges the Congress of the
16 United States to immediately enact an exception to FERPA to
17 permit schools to share with child death teams any relevant pupil
18 records; and be it further

19 *Resolved,* That the Legislature of the State of California urges
20 the President of the United States to immediately sign the
21 enactment; and be it further

22 *Resolved,* That the Chief Clerk of the Assembly transmit
23 copies of this resolution to the President and Vice President of
24 the United States, to the Speaker of the House of
25 Representatives, and to each Senator and Representative from
26 California in the Congress of the United States.